THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13434 of 2006

Dated:04.07.2006

Between:

Karri Venkata Lakshmi.

…Petitioners

and

The District Collector, Machilipatnam, Krishna District, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13434 of 2006

ORDER:

The petitioner claims to be the absolute owner and possessor of the land admeasuring Ac.1.25 cents in Survey No.780/1 and an extent of Ac.1.18 cents in Survey No.780/2 situated at Chorampudi Village, Bantumilli Mandal, Krishna District. She also obtained pattadar passbooks and title deeds from the revenue authorities, and about fifteen years ago, allegedly, converted the land into prawn tanks. She made a representation to the Mandal Revenue Officer on 02.06.2006 seeking permission to deepen the prawn tanks by ploughing the same in order to avoid viral infection to the prawn in the tank. Alleging that the same was not considered by the Mandal Revenue Officer, the present writ petition is filed seeking a direction to the Mandal Revenue Officer to consider the representation and pass appropriate orders.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). As rightly contended by the learned Assistant Government Pleader no person who owns the land for agricultural purpose can convert the agricultural land for a non-agricultural use, much less, for carrying out fish culture or prawn culture, and it is always competent for the revenue authorities to prevent the use of the land for any other purpose other than agriculture. A Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**[1], to which I was a member, considered the guidelines issued by the Aquaculture Authority, Government of India in Ministry of Agriculture, and observed as under.

> The said authority has to function under the control of the Government of India in the Ministry of Agriculture and has laid down the rules of procedure. As per Rule 12 of the said rules, the authority has the power of removal or demolition of any shrimp farm and/or any structure therein which is causing any adverse impact on ecology. Evidently, not only those farmers who are already operating other than traditional and

> improved traditional systems of shrimp culture or proposed to be set up/constructed outside CRZ are required to obtain authorization but also those farmers who are already operating traditional and improved traditional systems of shrimp aquaculture and who intend to apply for adoption of improved technology for increased production and productivity are required to obtain prior permission. Such prior permissions are required to be granted in accordance with the procedure laid down therein.

Therefore, in view of the above observations, it is not for the Mandal Revenue Officer to grant any permission for converting agricultural land into prawn tank or for improving the operations by adopting improved technology, and it is only the Aquaculture Authority under the control of the Government of India in Ministry of Agriculture, who is required to grant such permission. Therefore, the petitioner has to approach the appropriate Aquaculture Authority either to continue prawn culture operations or to make improvements to the existing tanks. This Court cannot grant any direction to the Mandal Revenue Officer to consider the representation of the petitioner when such Officer is not competent to grant any permission.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

04.07.2006
vs

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[1] 2002(1) ALD 728 (DB)